



File Code: 1570 (218)
17-01-00-0044

Date: OCT 31 2017

Kurt Bucklin
11673 North Boyer Road
Sandpoint, ID

Dear Mr. Bucklin:

This letter is in response to your objection to the *Rock Creek Project Final Supplemental Environmental Impact Statement* (FSEIS) and draft *Record of Decision* (ROD) on the Kootenai National Forest. The Responsible Official, Forest Supervisor Chris Savage, and I as the Objection Reviewing Officer have read your objection and reviewed the FSEIS, draft ROD, and project record.

On October 11, 2017, the responsible official and I held an objection resolution meeting on the Rock Creek project. Several objectors participated in the meeting. While we were unable to resolve specific objection issues, we have changed the decision to be made.

Based on my discussions with the objectors and the responsible official, I have determined the responsible official will sign only that portion of a Final ROD that approves Phase I project activities. Presently, the draft ROD (June 2017) proposes the project proceed in two phases, with Phase II contingent upon a number of requirements being met by the project proponent, RC Resources, Inc. (RCR) and the Forest's evaluation of results from Phase I activities (draft ROD, heading 1.4 *KNF Decision and Rationale for Decision*). The responsible official may sign the ROD approving Phase II of project activities following the requirements of Phase II initiation being met, as described in the draft ROD (heading 1.4.1.2).

My specific concern for signing a phased Record of Decision is the level of uncertainty in the analysis, including the 3D modeling used to determine potential effects to surface water quantity. The analysis and project record disclose there exists a degree of uncertainty with the modeling and the assumptions used to reach conclusions regarding project effects to surface waters. I understand and agree with the approach to proceed with Phase I construction of the evaluation adit to the Rock Creek ore body, which will allow the project proponent to obtain additional hydrologic data to supplement the analysis presented in the FSEIS and project record. However, the responsible official should not approve a decision for both Phase I and II until project effects to surface waters are better understood.

Proceeding with Phase I construction of the evaluation adit to the Rock Creek ore body will generate additional hydrologic and geologic data relevant to making an informed decision regarding Phase II. The responsible official shall not approve a decision for Phase II of the project until the information generated during Phase I can be evaluated and a determination whether additional analysis is required is made.

For these reasons, I am instructing Supervisor Savage to issue a final ROD that will approve only Phase I project activities as outlined in the draft ROD. After Phase I is completed, and based



upon the additional data and analysis, Supervisor Savage will make a new decision regarding Phase II.

As specified at 36 CFR 218.11(b), I must provide a written response to your objections; however, this written response need not be point-by-point. This letter details my response to the objections raised to the Rock Creek SFEIS and draft ROD, based on my review of the project in accordance with 36 CFR 218, *Project Level Predecisional Administrative Review Process*.

Issue: You generally object to potential project effects to private property on Government Mountain.

Response: I have reviewed the project record and find the responsible official has assessed and considered potential impacts associated with restrictions on access to the property. This information is presented in the 2001 FEIS.

Before mine construction can begin, and based on the Forest's and the Montana Department of Environmental Quality's approval, RCR would be required to develop and implement a RMP (called a traffic management plan in the 2001 FEIS). RCR would not be permitted to proceed with the Rock Creek project until it demonstrated compliance with the requirements and mitigation disclosed in the Draft and this FSEIS. Stipulations attached to the ROD must comply with all laws and regulations protecting access rights to private inholdings, including the 1980 Alaska National Interest Lands Conservation Act (ANILCA), which guarantees reasonable access to private inholdings.

RCR will maintain access from the south to the owner of the private land in Section 5 through a dual lock on the gate located on National Forest System Road #150. Public access to this section will be subject to approval by the landowner, but will be restricted to foot or horseback.

I find the project is consistent with ANILCA, the Forest Plan, and the requirements of the National Environmental Policy Act.

Conclusion: My review finds the Forest Service has analyzed project activities and disclosed effects, and has complied with applicable law, policy, and the Forest Plan. I have in several instances instructed the responsible official to clarify information presented in the analysis. I have also determined the responsible official will only approve Phase I of project activities. My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available (36 CFR 218.11(b)(2)). The responsible official may sign the Record of Decision to approve a Plan of Operations for Phase I of this project. A decision on whether to approve Phase II is held in abeyance but may be made once all requirements of Phase II initiation have been met, as described in the draft ROD (heading 1.4.1.2).

Sincerely,



David E. Schmid
Deputy Regional Forester

cc: Ray G. Smith
Chris Savage